



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 2003-06

April 21, 2003

Edward & Ronald Evans
PO Box 1721
Wolfeboro, NH 03894

RE: DES Wetlands File #2003-00598 Birch Hill Estates Rd, Wolfeboro

Dear Messrs Evans:

On April 7, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Wolfeboro Tax Map 190 as Lot 89 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented:

1. The southeastern edge of the lot, along the bank of Crescent Lake, had been excavated and filled. Although it is difficult to determine the extent of wetlands dredged and filled because of the degree of disturbance to the shoreline, approximately 1000 square feet of jurisdictional wetlands were dredged and subsequently filled.

In response, you are requested to take the following actions:

Immediately stabilize the site by mulching with hay all exposed soils.

2. Install siltation fencing at the toe of the loam pile on the Property
3. Send photographs showing the erosion control measures in place to my attention to the address below by May 1, 2003.
4. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for removing the fill and foundation drain, replacing excavated organic soils that are currently stockpiled off site, and restoring the shoreline on the Property. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries; and

2. Proposed conditions after reestablishing the jurisdictional areas;

- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
- d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
- e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
- f. A provision to delineate the wetlands within the restoration site after 5 full growing seasons and document the delineation with data forms and depict the delineation on a site plan.

5. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.

6. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Vicki Chase, Con
Wetlands Bureau

6 Hazen Drive
PO Box 95
Concord, NH 03301

Services

Should you have any questions, please
contact Vicki Chase at (603) 271-4062.
vchase@des.state.nh.us.

this letter, or wish to arrange a meeting, please
reach Vicki Chase by email at

Sincerely,

COPY

Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL 7002 3150 0001 5411

cc: Rene Pelletier, Manager, Land Resources
Gretchen Rule, Administrator, DES Land
Wolfeboro Conservation Commission
Wolfeboro Board of Selectmen
David Killoy, USACOE

Unit —